IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.29484 of 1997

Between:

A.P.S.R.T.C., Rep. by its Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, Rep. by its Presiding Officer,
Andhra Pradesh, Hyderabad.
2 Regional Transport Authority, Rep. by its Secretary,
Visakapatnam.
3 B.V.Srinivasa Raju, C/o. P.Rajagopalachary,
Ramnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned order dt. 17-7-1997 made in AP.No.978/96, State Transport Appellate Tribunal, A.P., Hyderabad, setting aside the order dt.
24-8-1996 in Item No,65 in R.No.13626/A3/96 and directing issue of permit to 3rd Respondent in respect of the mofussil service route, Penugollu to Karrivaripalem, and quash the same as being invalid,

Counsel for the Petitioner :Sri Srinivasa Rao

Counsel for the Respondents No.1 & 2: GP FOR TRANSPORT

The Court made the following :

ORDER:

Andhra Pradesh State Road Transport Corporation filed this petition seeking writ of certiorari, calling for the record relating to the impugned order dated 17-07-1997 in A.P.No.978 of 1996 passed by State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad, setting aside the order dated
24-08-1996 in Item No.65 in R.No.13626/A3/96 and directing issue of permit to third respondent in respect of mofussil service route – Penugollu to Karrivaripalem, and to quash the same and pass such other suitable orders.

In all fairness, the learned standing counsel representing the Andhra Pradesh State Road Transport Corporation would submit that there is a scheme prohibiting the grant of permit in G.O.Ms.No.614 dated 19-05-1975. But, this ground was not specifically raised before the Appellate Tribunal and in view of the specific prohibition, this issue may have to be gone into by the Tribunal. Learned counsel also placed strong reliance on the decision of the Full Bench of this Court in DIVISIONAL MANAGER, A.P.S.R.T.C., VIZIANAGARAM Vs. STATE TRANSPORT APPELLATE TRIBUNAL, A.P., HYDERABAD .

In view of the above, taking the overall facts and circumstances into consideration, this Court is of the opinion that the matter has to be remanded to the State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad – first respondent herein to

consider this objection also and pass appropriate orders in this regard.

The writ petition is allowed to the extent indicated above. No order as to costs.

25-02-2005

bsc

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the 25th day of February of Two Thousand and Five

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, State Transport Appellate Tribunal,
Andhra Pradesh, Hyderabad.
2 The Secretary, Regional Transport Authority, Visakapatnam.
3 2 CCs to Govt. Pleader for Transport, High Court buildings, Hyderabad (OUT)

4) 2 CD copies

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